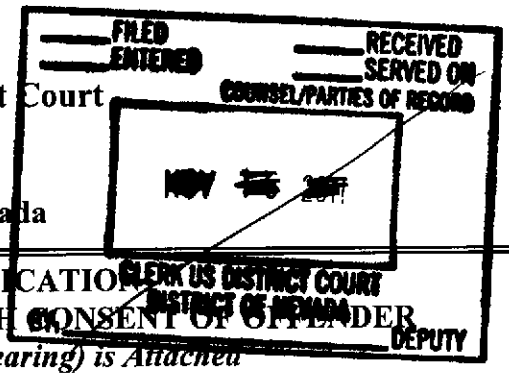
Prob12B
D/NV Form
Rev. Mar. 2007




**United States District Court**

**for**

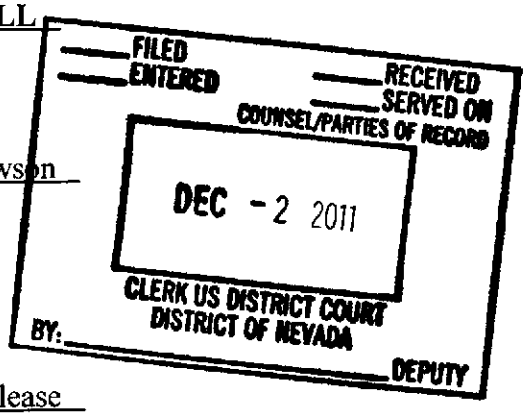
**the District of Nevada**

**REQUEST FOR MODIFICATION TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER**

***Probation Form 49 (Waiver of Hearing) is Attached***

**December 1, 2011**

**Name of Offender:** **STEPHEN FITZGERALD BURRELL**




Case Number: **2:07-cr-241-KJD(RJJ)**

Name of Sentencing Judicial Officer: Honorable Kent J. Dawson

Date of Original Sentence: September 30, 2009

Original Offense: Conspiracy to Distribute Crack Cocaine

Original Sentence: 33 months custody; 5 years supervised release

Date Supervision Commenced: May 21, 2010

**PETITIONING THE COURT**

__ To extend the term of supervision _____ Months, for a total term of _____ Months.

_✓_ To modify the conditions of supervision as follows:

1. **Reside in Residential Re-entry Center** - You shall reside at and participate in the C.A.R.E. program of a residential re-entry center for a period of up to seven months as approved and directed by the probation officer. If you test positive for alcohol/a controlled substance or violate the conditions of the C.A.R.E program, you will be taken into custody for a minimum custodial period of seven days. Additionally, you shall refrain from the use and possession of any synthetic/designer drug or any mind/or body altering substance. Use of possession of any synthetic/designer drugs will result in your termination from the C.A.R.E. program.

**RE: STEPHEN FITZGERALD BURRELL**

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**CAUSE**

Mr. Burrell is currently at the residential re-entry center pending his revocation hearing on December 2, 2011. The probation office will be recommending that Mr. Burrell be continued on supervision and enter the intensive inpatient substance abuse program at the residential re-entry center. Should the Court agree to this recommendation, we request that Mr. Burrell's conditions be modified to include residential re-entry center placement with the C.A.R.E. program. Adding this condition prior to the revocation hearing will allow the probation office to get Mr. Burrell placed into the program without delay. Mr. Burrell has read and signed the probation form 49/waiver of hearing and does not oppose the modification. The form is attached for the Court's review.

If Your Honor should have any questions or need additional information, please contact me at (702) 527-7306.

Respectfully submitted,

JOEL NELSON
United States Probation Officer

APPROVED:

ROBERT G. AQUINO
Supervising United States Probation Officer

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***THE COURT ORDERS:***

_____ No action

_____ The extension of supervision as noted above

KJD The modification of conditions as noted above

_____ Other

Signature of Judicial Officer

Dec 2, 2011
Date

PROB 49
(3/89)

# UNITED STATES DISTRICT COURT

## District of Nevada

## Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

~~I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel~~. I also agree to the following modification of my Conditions of Probation and Supervised Release ~~or to the proposed extension of my term of supervision:~~

**Reside in Residential Re-entry Center** - You shall reside at and participate in the C.A.R.E. program of a residential re-entry center for a period of up to seven months as approved and directed by the probation officer. If you test positive for alcohol/a controlled substance or violate the conditions of the C.A.R.E program, you will be taken into custody for a minimum custodial period of seven days. Additionally, you shall refrain from the use and possession of any synthetic/designer drug or any mind/or body altering substance. Use of possession of any synthetic/designer drugs will result in your termination from the C.A.R.E. program.

Witness _____
U.S. Probation Officer

Signed _____
Probationer or Supervised Releasee

December 2, 2011
Date